



Entered on Docket  
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based Entirely Upon Investment In The  
Fiesta Oak Valley Loan**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Fiesta Oak Valley Loan ("Fiesta Oak Valley Loan") [DE 9069] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Fiesta Oak Valley Loan; and good cause  
2 appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 9069] is sustained; and

5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%  
6 disallowed because those claims are based entirely upon an investment in the Fiesta Oak  
7 Valley Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

15 3993 Howard Hughes Parkway, Ste. 600

16 Las Vegas, Nevada 89169-5996

Telephone: (702) 949-8320

16 Facsimile: (702) 949-8321

17 *Attorneys for USACM Liquidating Trust*  
18  
19  
20  
21  
22  
23  
24  
25  
26

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

|   |   |
|---|---|
| U.S. Trustee: <u>Augie Landis</u>   |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document  |
| Other Party: _____  |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or            | <input type="checkbox"/> failed to respond to the document  |

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

## USACM Trust

## Fiesta Oak Valley

## Single Loan Claims

| Claim       | Date Claim was Filed | Name  | Address   | Approximate Amount Related to an Investment In The Fiesta Oak Valley Loan | Amount Disallowed (80%) | Amount Allowed (20%) |
|-------------|----------------------|---|---|---|-------------------------|----------------------|
| 10725-01149 | 11/9/2006            | Albright Persing & Assoc Profit Sharing Plan    | Deane Albright &, Casey Persing Teees<br>1025 Ridgeview Dr #300<br>Reno, NV 89519                             | 100,000.00  | 80,000.00               | 20,000.00            |
| 10725-01670 | 12/11/2006           | Benedict & Roselyn Urban Family Trt DTD 2/ 3/04 | Benedict & Roselyn Urban Teees<br>2691 Evergreen Oaks Dr<br>Henderson, NV 89052-7060                          | 8,215.28  | 6,572.22                | 1,643.06             |
| 10725-01251 | 11/9/2006            | Bolding, William & Carolyn                      | 3961 Arizona Ave<br>Las Vegas, NV 89104   | 50,505.56   | 40,404.45               | 10,101.11            |
| 10725-02102 | 1/11/2007            | Bruggemans, Paul                                | 385 W Tahquitz Canyon Way<br>Palm Springs, CA 92262-5647  | 200,000.00  | 160,000.00              | 40,000.00            |
| 10725-02229 | 1/10/2007            | Coxey Living Trust DTD 12/3/98                  | Kenneth D & Valerie Coxey Trustee<br>1945 Hidden Meadows Dr<br>Reno, NV 89502-8762                            | 101,688.88  | 81,351.10               | 20,337.78            |
| 10725-01046 | 11/6/2006            | David Rosner Revocable Trust DTD 1/5/05         | David Rosner Trustee<br>71 Trinidad Dr<br>Tiburon, CA 94920   | 8,215.00  | 6,572.00                | 1,643.00             |
| 10725-02093 | 1/11/2007            | Donald L Hess & Kay J Hart JT TEN               | 1818 Madero Dr<br>The Villages, FL 32159<br>and<br>1800 Jefferson Park Ave., #86<br>Charlottesville, Va 22903 | 50,776.38   | 40,621.10               | 10,155.28            |
| 10725-00136 | 8/14/2006            | Dunklee IRA, John C                             | 700 Flanders Rd<br>Reno, NV 89511   | 200,000.00  | 160,000.00              | 40,000.00            |
| 10725-00583 | 10/13/2006           | Ford, Tomie S                                   | 520 W. Riverview Circle<br>Reno, NV 89509-1103  | 60,000.00   | 48,000.00               | 12,000.00            |
| 10725-01542 | 12/6/2006            | Grundman, Erna                                  | 1608 Brown St<br>Carson City, NV 89701  | 17,911.11   | 14,328.89               | 3,582.22             |

EXHIBIT A

2456889.1